XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(18)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

HIGH COURT OF CHHATTISGARH AT BILASPUR

M. A. [c] NO. 444 OF 2007

APPELLANT Non-applicant No.3		United India Insurance Company Limited, through; Its Branch Manager, Branch Office, T.P. Nagar, Korba, Tah. & Distt. Korba (C.G.)
	Vs	
RESPONDENTS Applicant No.1		1. Mankunwar, W/O Late Mansai, aged 45.
Applicant No.2		2. Suraj Kumar, S/o- Mansai, aged 22 years
Applicant No.3		3. Shyamlal, s/o Late Mansai, aged 19 yeas
Applicant No.4		4. Kripal Singh, s/o Late Mansai, aged 12 years. All are residents of R/O Village Navapara, P.S. & Tah. Katghora, Distt. Korba
Non-applicant No.1		5. Sunil Kumar Agarwal, S/O Late Ramkumar Agarwal, R/o Vill. & Post- Morga, P.S. Bango, Tah. Katghora, Distt. Korba (C.G.)
Non-applicant No.2		6. Dharmpal, S/o Ramadhar Kenwat, Ageda bout 33 years, R/o Vill. Morga, P.S. Bango, Tah. Katghora, Distt. Korba (C.G.)

Present:

Mr. Dashrath Gupta, Advocate for the appellant.

(पीछे देखिये)

(19)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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ORAL ORDER

(Passed on 16.4.2007)

The appellant-Insurer has preferred this appeal against the interim award dated 12.1.2007 passed by the Motor Accident Claims Tribunal, Ambikapur in Claim Case No.101/2005 by which a sum of Rs.50,000/- has been awarded to the claimants/respondents No.1 to 4 herein under Section 140 of the Motor Vehicles Act.

Learned counsel for the appellant submits that the vehicle involved in the accident was goods vehicle and deceased Mansai was traveling in the said vehicle as a gratuitous passenger, however, learned tribunal ignoring the above fact has passed the interim award in favour of respondents No.1 to 4, which is contrary to the settled law in this regard.

I have heard learned counsel for the appellant on admission.

The fact whether the deceased was traveling as gratuitous passenger or as a labourer engaged by the owner of the vehicle cannot be adjudicated at this stage, as the same is matter of evidence.

Therefore, the appeal being devoid of substance deserves to be dismissed and it is accordingly dismissed at the admission stage itself.

Sd/-
G.Minhajjudin
Judge

Roshan/-

(पीछे देखिये)

8/2014